

## Article 30

# Amendments and Rezonings

### Section 30.01 Application Initiation

- (a) **Amendments to the Zoning Map.** Proposals for zoning map amendments may be initiated by either the plan commission or legislative body, or through an application signed by property owners of at least 50% of the land involved (per IC 36-7-4-602(c)(1)(B)). The procedure to amend the zoning maps is set forth in I.C. 36-7-4-608 et. seq.
- (1) **Plan Commission/Legislative Body Initiation.** The enforcement official shall prepare the application for zoning map amendment on behalf of the plan commission if either the commission or the legislative body has initiated the application. The enforcement official shall serve as the representative of the applicant for such proposals.
- (2) **Property Owner Initiation.** Any property owners requesting a zoning map amendment shall be the applicants and assume responsibility for preparing application materials.

### Section 30.02 Application

The applicant shall submit a rezoning application, a legal description for the property involved, the required filing fee, and any supporting information.

### Section 30.03 Notification

Before any action can be taken by the Plan Commission to adopt a new ordinance, amend the text or amend the zone maps, notice must be given as required in I.C. 36-7-4-604. Public notice setting forth the time and place shall be given at least 10 days before the date of the hearing in a newspaper of general circulation. Notification shall also be provided by regular US mail at least 10 days before the date of the hearing to the applicant and all abutting or adjacent property owners. For a rezoning request initiated by a property owner, the cost of such notices shall be borne by the person applying for the rezoning and at the public hearing, the petitioner shall provide proof that he has conformed to the above by proof of publication and return-receipt mail or personal sign-off on delivery of notices.

### Section 30.04 Plan Commission Public Hearing

The plan commission will then, in a public hearing scheduled no later than 60 days following the receipt of the application (per IC 36-7-4-608), review the rezoning application and required supportive information. The procedure to be followed by the Plan Commission at any hearing on an amendment to the zoning ordinance or to the zoning maps, the notification of the Plan Commission's action to the Common Council to the legislative body of the City an action by the legislative body shall follow the provisions set forth in I.C. 36-7-4-604 to I.C. 36-7-4-612; I.C. 36-7-4-1015, and I.C. 36-7-4-1016. The plan commission shall either forward the application to the legislative body with a favorable recommendation, an unfavorable recommendation, or no recommendation; or continue the request.

**Section 30.05 Certification**

The plan commission shall certify its recommendation by resolution to the legislative body within 10 business days of its determination (per IC 36-7-4-608).

**Section 30.06 Legislative Action**

The legislative body shall vote on the proposed rezoning ordinance within 90 days of its certification by the plan commission (per IC 36-7-4-608).

**Section 30.07 Decision Criteria**

In reviewing the rezoning application, the plan commission shall pay reasonable regard to all of the following (per IC 36-7-4-603):

- (a) **County Land Development Plan.** That a change of zoning will be consistent with the county land development plan, local community plans and any other applicable, adopted planning studies or reports.
- (b) **Current Conditions.** That a change of zoning will be compatible with the conditions and character of current structures and uses in each district or that the character of the area under consideration has changed either through technological advances or developmental changes.
- (c) **Desirable Use.** That a change of zoning will provide for the most desirable use for which the land in each district is adapted and the proposed land use will not have an adverse effect on surrounding land.
- (d) **Property Values.** That a change of zoning will not be injurious or detrimental to the surrounding property values and will further the conservation of property values throughout the planning jurisdiction.
- (e) **Responsible Growth.** That a change of zoning will promote for orderly and responsible community growth and development and will not adversely affect the community.
- (f) **Environmental Conditions.** That the topography, soil condition, and other physical features of the land involved are suitable for the proposed use and zoning change.
- (g) **Spot Zoning.** That the petition is not "spot zoning" which will confer a special benefit on a relatively small tract without commensurate benefit to the community.
- (h) **Neighborhood Plan.** In areas where there is a neighborhood plan, that a change of zoning will not disrupt or destroy the neighborhood plan.

**Section 30.08 Conditions and Written Commitments**

The applicant in any rezoning application may make written conditions and/or commitments regarding the characteristics of the proposed future use of, or the resolution of outstanding issues in existence on, the subject property consistent with IC 36-7-4-1015. Written commitments may also be initiated by the plan commission or legislative body.

**Section 30.09 Zoning Text Amendments**

- (a) The legislative body or the plan commission may initiate a proposal to amend or partially repeal the text according to the procedures of IC 36-7-4-602 et. seq. The procedure to amend or partially repeal the text of the Joint Zoning Ordinance is set forth in I.C. 36-7-4-601 et. seq.

- (b) The plan commission shall review the ordinance on an annual basis and identify any amendments deemed necessary to the ordinance for review, public hearing and recommendation for adoption.

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